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1
2 Roger Schlaflly, Pro Per
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4 Soquel, CA 95073
5 telephone: (408) 476-3550
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8 In the United States District Court
9 for the Northern District of California

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10 ROGER SCHLAFLY, Plaintiff) Case C-94-20512 SW PVT
11 v.)
12 PUBLIC KEY PARTNERS, and) Expedited Motion to
13 RSA DATA SECURITY INC., Defendants.) Continue Discovery
14) Magistrate Trumbull
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Plaintiff Schlaflly moves for a postponement of the discovery cutoff so that some essential discovery can be completed. Schlaflly also asks that this motion be heard on an expedited basis, because of the scheduled imminent close of discovery.

Schlaflly served a document request paper on Jan. 30. Defendants objected to all the requests, and did not produce any documents. Schlaflly scheduled a "meet and confer", and attempted to reach a compromise on the requests. No compromise was reached, and no documents were produced. Schlaflly attempted to find a way to narrow the requests, but was unable to find wording that defendants would find satisfactory.

1 Schlafly sought out a lawyer to represent him in the matter. He
2 eventually found one, and he attempted to resolve the discovery
3 problem, but with no success. He then brought a motion to compel
4 production before Magistrate Infante. The motion was denied
5 because the requests were judged to be too broad. But there has
6 been no denial that most of the documents requested are relevant
7 to the case. Therefore, Schlafly has made new narrower requests,
8 which are attached.

9
10 The discovery cutoff is July 31, 1997. Schlafly moves to extend
11 the cutoff to allow time for completion of the document production,
12 review of the documents, and for any consequential depositions.

13
14 This case pertains to certain cryptography patents, the licensing
15 of related technology, and alleged monopolistic collusion to
16 control the cryptography market. The documents requested relate to
17 those patents, the licensing, and agreements among the defendants
18 to control the technology. The documents are essential to the case,
19 and Plaintiff will be substantially prejudiced if access to these
20 documents is denied.

21
22 Dated: July 28, 1997

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24 By: Roger Schlafly
25 Plaintiff, Roger Schlafly

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In the United States District Court
for the Northern District of California

10 ROGER SCHLAFLY, Plaintiff) Case C-94-20512 SW PVT
11)
12 >) Schlafly Declaration #5
13)
14 >)
15)
16)
17)
18 Declaration on patent issues
19 I, Roger Schlaflly, declare:
20 1. I am the Plaintiff in this case.
21 2. I have personal knowledge of each and every fact set forth below
22 and can competently testify thereto.
23 3. I served a document request paper on Jan. 30.
24 4. Defendants objected to all the requests, and did not produce any
25 documents.
26 5. I scheduled a "meet and confer", and attempted to reach a
27 compromise on the requests. No compromise was reached, and no
28 documents were produced.

1 6. I attempted to find a way to narrow the requests, but was unable
2 to find wording that defendants would find satisfactory.
3

4 7. I sought out a lawyer to represent him in the matter. I
5 eventually found one, and I attempted to resolve the discovery
6 problem, but with no success.
7

8 8. My lawyer then brought a motion to compel production before Mag.
9 Infante. The motion was denied because the requests were judged
10 too broad.
11

12 9. I believe that defendants have discoverable documents that are
13 highly pertinent to issues in this case.
14

15 10. I have at all times attempted to resolve this discovery dispute
16 in an orderly and efficient manner.
17

18 11. I declare under penalty of perjury under the laws of the United
19 States that the foregoing is true and correct. Executed on July 28,
20 1997 in Soquel, California.
21

22 By: 
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24 Roger Schlaflay
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In the United States District Court
for the Northern District of California

10 ROGER SCHLAFLY, Plaintiff) Case C-94-20512 SW PVT
11)
12) Request for Documents #4
13)
14 RSA DATA SECURITY INC., Defendants.) July 28, 1997

15 Request for document production, as per Rule 34.

16 Definitions:

17 PARTIES - Public Key Partners ("PKP"), RSA Data Security Inc
18 ("RSADSI"), Cylink, and/or Caro-Kann.

19 PATENTS - Diffie-Hellman 4,200,770; Hellman-Merkle 4,218,582; MIT
20 4,405,829; and/or Schnorr 4,995,082.

21 ACTIONS - All litigation or arbitration actions among any of the
22 PARTIES, where the action concerned validity, scope, or licensing
23 of any of the PATENTS, or raised PKP partnership issues.

24 DOCUMENTS - All documents and things, and having the broadest
25 meaning defined by Rule 26 and 34, and including writings and
26 recordings as defined by FREvid Rule 1001.

27 Conjunctions and disjunctions are to be interpreted in a way as to
28 include the maximum number of documents.

1 Plaintiff Roger Schlafly requests:

2
3 1. All DOCUMENTS discussing, referring to, or related to the
4 validity of the MIT patent, No. 4,405,829.

5
6 2. All DOCUMENTS discussing, referring to, or related to the scope
7 of the MIT patent, No. 4,405,829.

8
9 3. All DOCUMENTS discussing, referring to, or related to the
10 licensing of the MIT patent, No. 4,405,829.

11
12 4. All DOCUMENTS in the PKP arbitration, including briefs,
13 letters, or discovery, discussing, referring to, or related to the
14 PATENTS.

15
16 5. All DOCUMENTS in which RSADSI or PKP discussed, referred to, or
17 argued its position with respect to the validity of the Stanford
18 patents.

19
20 6. All DOCUMENTS in which RSADSI or PKP discussed, referred to, or
21 argued its position with respect to the scope of the Stanford
22 patents.

23
24 7. All DOCUMENTS showing, discussing, or referring to RSADSI's
25 revenues from licensing any or all of the PATENTS.

26
27 8. All DOCUMENTS showing, discussing, or referring to PKP's
28 revenues from licensing any or all the PATENTS.

1 9. All DOCUMENTS showing, discussing, or referring to RSADSI's
2 revenues from licensing any or all software or technology covered
3 by the PATENTS.

4

5 10. All DOCUMENTS showing, discussing, or referring to RSADSI's
6 revenues from licensing any other cryptographic software.

7

8 11. All DOCUMENTS discussing, referring to, or related to all
9 agreements (whether proposed or draft agreements negotiating
10 positions and the like), between RSADSI and Cylink or Caro-Kann
11 regarding licensing of the PATENTS or software covered by the
12 PATENTS.

13

14 12. The PKP partnership agreement(s), including all amendments,
15 modifications, or changes thereto.

16

17 12. All correspondence, memorandum, or other DOCUMENTS
18 discussing, referring to, or relating to the formation or purpose
19 or intended business of the PKP partnership, including, marketing
20 plans, projections, or licensing of any PATENTS.

21

22 13. All DOCUMENTS discussing, referring to, or relating to the
23 obligations of the partners of PKP to each other, and whether they
24 were meeting those obligations.

25

26 14. All DOCUMENTS discussing, referring to, or related to any
27 financial reports, memorandum, or analysis of the cryptography
28 market.

1 15. All DOCUMENTS discussing, referring to, or relating to how the
2 Stanford, MIT, and Schnorr PATENTS affect the cryptography market.

4 16. All DOCUMENTS discussing, referring to, or related to the
5 scope of the Schnorr patent.

7 17. All briefs, rulings, transcripts, and recordings in the
8 ACTIONS which contain any discussion of the validity, scope, or
9 enforcement of the PATENTS.

Dated: July 28, 1997

By: John

Plaintiff, Roger Schlaflly

1
2 CERTIFICATE OF SERVICE
3 =====

4 Schlafly v. Public Key Partners and RSA Data Security Inc.
5 Case No. C-94-20512-SW, (PVT).
5 Filed on July 27, 1994, San Jose, Calif.

6 The undersigned hereby certifies that he caused a copy of:

7 Expedited Motion to Continue Discovery
8 Schlafly Declaration #5
8 Request for Documents #4

9 to be served this date by First Class Mail upon the
10 persons at the place and address stated below which is
11 the last known address:

12 Thomas R. Hogan
12 60 S Market St Ste 1125
13 San Jose, CA 95113

14 Robert D. Fram
14 Heller et al
15 525 University Ave
15 Palo Alto, CA 94301

16 and to be emailed to the following:

17 Patrick Flinn, internet!pflinn@alston.com
18 Karl J. Kramer, internet!kkramer@mofo.com
19 Robert Haslam, internet!rhaslam@hewm.com

20 I declare under penalty of perjury under the laws of the State
21 of California that the foregoing is true and correct.

22 Executed in Soquel, Calif. at the date below.

23 Dated: July 28, 1997

24 By: Roger

25 Plaintiff, Roger Schlafly

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